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## **Delaware Acts to Protect Clean Water**

**Wilmington, DE** – The Delaware Department of Justice announced today that Delaware has joined 8 other states and a Canadian province in filing a lawsuit against the U.S. Environmental Protection Agency (EPA) for refusing to control transfers of water from one water body to another. The suit challenges an EPA regulation that exempts these transfers from the federal Clean Water Act.

“The EPA’s regulation allows unregulated water transfers that could damage drinking water sources and water habitats,” stated State Solicitor Lawrence Lewis.” Through this lawsuit we are calling on the Court to invalidate this harmful regulation.”

Transferring polluted water to another body of water can cause a host of environmental damage, from harming critical fishing streams to spreading invasive species in the Great Lakes. Courts have held that these water transfers require regulation under the Clean Water Act. Despite court rulings, on June 9, 2008 the EPA issued its regulation exempting water transfers from the Clean Water Act’s requirements.

The EPA’s regulation could allow numerous sources of pollution to go uncontrolled across the country. For example, sediment-laden water could be sent into clear drinking water reservoirs; chemical-laden waters could be dumped into waters used in farm irrigation; warm waters could be pumped into cold water habitats such as trout streams; salt water could be transferred into fresh water; and invasive species could be introduced into waters not yet infested.

Today’s lawsuit was filed in United State District Court for the Southern District of New York, with a companion filing in the United States Court of Appeals for the Second Circuit. In addition to Delaware, the coalition of states filing suit includes Connecticut, Illinois, Maine, Michigan, Minnesota, Missouri, New York, Washington, and the Canadian Province of Manitoba.

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